

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

	x	
	:	
RYAN KLEBBA, on behalf of himself and	:	
others similarly situated,	:	
	:	
Plaintiff,	:	Case No. 1:18-cv-00438
	:	
v.	:	
	:	
NETGEAR, INC.,	:	
	:	
Defendant.	:	
	x	

JOINT STATUS REPORT REGARDING ARBITRATION PROCEEDINGS

Through its order granting, in part, Defendant’s Motion to Compel Arbitration and to Dismiss Plaintiff’s Claims, ECF No. 21, this Court ordered that the parties “file a joint status report detailing the status of the arbitration proceedings on June 5, 2019, and every 120 days thereafter.” ECF No. 35.

On September 6, 2019, Plaintiff submitted to the parties’ mutually selected arbitrator—Hon. Jeff Kaplan (Ret.), of JAMS—a brief requesting that Judge Kaplan find the arbitration clause at issue to be unenforceable, and to remand this matter to this Court for resolution on its merits. Defendant subsequently filed its response brief. And on October 25, 2019, Judge Kaplan heard oral argument regarding the enforceability of the subject arbitration agreement.

On November 11, 2019, Judge Kaplan issued an order through which he concluded: “Accordingly, Klebba’s objections to arbitration are sustained. His claims against Netgear are not arbitrable.”

Subsequently, the parties agreed to mediate this matter with Bruce Friedman, Esq.¹ on March 26, 2020, in Austin, TX. To facilitate mediation, the parties have agreed to toll all remaining case deadlines, including the deadline for Defendant to file a motion to vacate the arbitration order, effective January 28, 2020 until the parties conclude mediation proceedings scheduled for March 26, 2020.

Notwithstanding, the parties have also agreed that in the event they are unable to resolve this matter through mediation proceedings scheduled for March 26, 2020, litigation should restart in this Court shortly thereafter, and that no party will seek to stay proceedings in this Court following an unsuccessful attempt to resolve this matter through mediation proceedings scheduled for March 26, 2020.

Accordingly, the parties respectfully request that this Court set a case management conference for a date shortly after March 26, 2020.

Dated: January 31, 2020

Respectfully submitted,

/s/ Aaron D. Radbil
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CERTIFICATE OF SERVICE

I certify that on January 31, 2020, I filed the foregoing with the Clerk of Court using the Court's CM/ECF system, which will send electronic notice to all counsel of record.

/s/ Aaron D. Radbil
Aaron D. Radbil